REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1 and 2 are pending and rejected. Applicants amend claims 1 and add claims 3 and 4. Applicants have not introduced any new matter by way of the foregoing amendments.

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103 and that all pending claims comply with the provisions of 35 U.S.C. § 101. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

The Office rejected claims 1 and 2 under 35 U.S.C. § 101, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office also rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,50 issued to Gersho et al. (hereon after "*Gersho*") in view of U.S. Patent No. 5,495,556 issued to Masaaki Honda (hereon after "*Honda*"). The Applicants respectfully traverse the rejections.

A. Applicant's Response to the 35 U.S.C. § 101

Applicants amend claim 1 to recite a method "of a digital signal processor". Therefore, the Applicants submit that amended claims 1 and 2 with the provisions of 35 U.S.C. § 101.

B. Applicant's Response to the 35 U.S.C. § 103(a) Rejection of claims 1 and 2

The Office rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,50 issued to Gersho et al. (hereon after

"*Gersho*") in view of U.S. Patent No. 5,495,556 issued to Masaaki Honda (hereon after "*Honda*"). The Applicants respectfully traverse the rejections.

The Applicants agree with Office that *Gersho* does not "disclose determining a zero-phase equalization filter for said frame; and that harmonic which fall into a band that was determined to have a voicing level below a threshold are replaced for said zero-phase equalization filter." *Office Action*, at page 3. In support of a contention that *Honda* discloses such an element, the Office cites *Honda* at col. 4, lines 5-9. The Applicants respectfully disagree.

However, the Applicants submit that *Gersho* and *Honda* teach away from each other. More specifically, *Gersho* specifically requires "that the design of the coding scheme for the transition segments must take into account the local time events characteristic of the transition signal," *Gersho,* at col. 14 lines 24-41, and that the encoder must also carry out the onset linear phase estimation procedure and to keep track of the reconstructed phase in order to be able to perform the offset phase synchronization, described in the following section." *Id.* at col. 16 lines 1-10. *Honda* merely discloses a "spectral envelope error of a speech coded at 4.8 kb/s is about 1 dB. A coding delay of this invention is 45 ms, which is equal to or shorter than that of the conventional low-bit rate speech coding schemes." *Honda*, at col. 16 lines 11-22. *Honda* is devoid from discloses taking transition segments into account or an encoder that would carry out the onset linear phase estimation to keep track of reconstructed phase.

Accordingly, it is Applicants' opinion that neither *Gersho* nor *Honda* suggest or show a motivation for modifying the reference or to combine the reference teachings. In addition, it is Applicants' opinion that there is no evidence in either prior art that shows a "reasonable expectation of success" in combining the references.

Furthermore, it is Applicants' opinion that neither *Gersho* nor *Honda teach or* suggest "determining a zero-phase equalization filter for said frame wherein harmonics which fall into a band that was determined to have a voicing level below a threshold in step (a) are replaced for said zero-phase equalization filter, wherein the equalization filter is only applied to the harmonics recognized as voice."

Thus, it is Applicant's belief that a prima facie case of obviousness has not been provided. Therefore, the Applicants submit that *Gersho* and *Honda,* alone and in combination, do not teach all the elements of the amended claim 1 or render claim 1 obvious.

Given that dependent claim 2 depends directly from claim 1, claim 2 necessarily includes all the elements of amended, independent claim 1. Since *Gersho* and *Honda*, alone and in combination, do not teach all the elements of amended independent claim 1, the Applicants submit that *Gersho* and *Honda*, alone and in combination, also do not teach all the elements or render claim 2 obvious.

The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 2

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. In addition, the Applicants submit that all of the claims presently in the application comply with 35 U.S.C. §101. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-0995 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Date: February 9, 2009

By: /MIRNA ABYAD/
MIRNA ABYAD
Registration No. 58,615
Texas Instruments
P.O. Box 655474, M/S 3999
Dallas, TX 75265
Telephone: (972) 917-4365